

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Jacqueline Grosso

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Mario Biaggi, Jr., Esq.
DBA Biaggi + Biaggi, Esqs

COMPLAINT

Jury Trial: ☐ Yes ☒ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	<u>Jacqueline Grosso</u>
	Street Address	<u>3436 Aquetong Road</u>
	County, City	<u>Bucks County, Carversville</u>
	State & Zip Code	<u>PA 18913</u>
	Telephone Number	<u>215 297-8687</u>

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Mario Biaggi Jr., Esq.
 Street Address 220 Fifth Ave, Suite 1702
 County, City Manhattan County, N.Y.
 State & Zip Code N.Y. 10001

Defendant No. 2

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 3

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal Questions ☒ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? _____
- _____
- _____

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship PA

Defendant(s) state(s) of citizenship NY

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? U.S. District Court,
Eastern District of NY, 225 Cadman Plaza East,
Brooklyn, NY 11201

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

9/2/09 9 a.m.
10/22/10 approx 3 pm.

What
happened
to you?

c. Facts: I suffered multiple injuries to my teeth &
mouth from a dentist, Philip Buccigrossi, DDS, who
was found guilty of malpractice.

Who did
what?

Prior to the trial, my husband & I met with Mr.
Biaggi in his office. He said & wrote that research
on similar cases, when averaged out, came to the sum
of \$387,500 due to the gravity of the incident. Although
I still experienced much discomfort to my mouth, (ca

Was
anyone
else
involved?

- The NYCPD's PBA Union in that they hired
this dentist (sic Dr. Buccigrossi)
- Geraldine Hennessey who is a rep. of the Union and
never cooperated in getting the required docs. from Dr.
Buccigrossi

Who else
saw what
happened?

- Kern O'Connor who works for Displ. office of Dr. licensed in NYS. He
was totally useless.
- My husband and the jury who were shown
all of the records & pictures of Dr. Buccigrossi's
destruction of my mouth. They also saw that Mr.
Biaggi made no attempt to address the jury
regarding this egregious award.

Page 1

Who did
what?

Mr. Biaggi told me to perjure myself and say I was fine now because he felt the jurors would look upon me as a complainer despite the fact that from the onset of my teeth incident up until this conversation was a year⁺ of pain, discomfort and suffering. In the end, the only way to alleviate all the excess tissue that grew in my gums from all the force + trauma to my mouth was a gingivectomy which resulted in numbness + a strange sensation to my gums due to the slicing of them. My mouth is still giving me discomfort on a daily basis.

If you wish, you can call Richard Bash, DDS, at 215.348.8877 ... why? Just this past week, I developed pain in my jaw and now have TMT because I had to have a tooth extracted due to Dr. Buccigrossi's improper care of it; he put a crown on a tooth that merely rotted away underneath. The bill for this permanent injury to my mouth so far

comes close to \$2,000 out of pocket expense. And Dr. Bash still isn't finished with his correction; therefore, more bills will be forthcoming.

The jury awarded me a mere \$30,000, part of it going to Mr. Biaggi, part of it going to my expert dental witness. And much will go for further remedy to my teeth. When all is said and done, I am the financial loser despite what Mr. Biaggi told me.

My husband and I have researched what we will be using to have this injustice corrected. It is as follows.

By Mr. Biaggi's egregious behavior, he created both malfeasance and nonfeasance. To further strengthen these actions, I would like to present what happened in the aftermath of the verdict.

in a small box

who did
what

Page 2

Let me start by saying that there is a pre and post set of situations, and therefore kindly excuse the word aftermath until the following is read.

At the beginning of the trial, the presiding Judge, John Gleeson, stated to the jury please be advised that we don't know if this is on the record, and we quote, "If I find your award to be excessive, I'll send you back to reconsider." However, when the nefarious award was rendered by the jury, the Judge then announced, "Well, I won't have to send you back." He then left the bench.

All of this was heard by Mr. Biaggi.

At this point, two other incidences occurred; one, the defendant's attorney approached Mr. Biaggi and said, "Did I hear that right? Unbelievable."

Secondly and most importantly, as this travesty ended, Mr. Biaggi asked us if

We would like to talk to the jury. Mr. Grosso's response was an immediate yes. Rather than approach the jury, instead Mr. Biaggi said let's go downstairs first. Confused at this opposing remark, Ralph Grosso nevertheless made the mistake of having my wife and I follow him outside. I then raced off to feed a meter. While away he said to Jacqueline, "Tell Ralph I'm sorry," and walked away. I returned to her and she told me the aforementioned, and after gathering myself, we returned to the car.

Lastly, Mr. Grosso questioned Mr. Biaggi about the voir dire in that the fact is Mr. Grosso worked in one of the highest crime ridden areas in NYC and was involved in many court proceedings prior to the last 17 months in which he was hospitalized four times, the last one being wounded twice in his last gun battle. His familiarity with the population of Brooklyn, NY

Page 3

Who did
what?

led him to want a validation of whether the jurors were legal citizens. In more than one of his cases while active as a street cop, people on a jury were found to be illegal immigrants. When questioning Mr. Biaggi if he had investigated the legitimacy of the jurors, he told me he did not.

I then called the Chief Clerk's Office and spoke to a Ms. Lori McCarthy, a member of the jury administrators regarding the legality of the jurors. She said, and I quote you from my records, "They must show a Motor Vehicle I.D., a voter registration card which automatically succeeds if you have a Motor Vehicle I.D., and most importantly, the use of a green card, which is not accepted by the Courts for validation of being a legal citizen. In other words, a woman in charge of selecting people to be members of a jury, she doesn't even know the law. As for Motor Vehicle I.D., I can attest

to you personally that working, as I had mentioned with the NYCPD, might I suggest to you that there are more illegal documents sold on the streets of NYC than any other place in the country.

If you wish to question this woman and she wishes to perjure herself, I hope justice will prevail.

Lastly, she said to me, "We do the best we can (regarding legality) with what we have."

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

Because of Mr. Biaggi's acceptance of a monetary loss on my behalf and his non-pursuance of fairness, decency and sound legal advice, I will be continuously subjected to more corrective procedures @ a financial cost + loss to me and my family. Pls. bear in mind that since 1/8/07, my life has been permanently altered. Mr. Biaggi did not accurately explain the true validity of my daily discomfort and pain which I made him highly + clearly aware of. The gravity of the continuance of my suffering was not adequately addressed; rather, I was told ~~to~~ by Mr. Biaggi to downplay this

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

I want the Court to have Mr. Biaggi award me my due compensation, which, according to the figures from his own research as well as the figure in his summation to the jury, that figure being \$357,500. This figure deducts the \$30,000 award which should have been totally unacceptable by Mr. Biaggi and he should have fought this as such.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 29th day of November, 20 11.

Signature of Plaintiff Jacqueline Gross
Mailing Address 3430 Aqueduct Rd.
Carversville, PA 18913
Telephone Number 215 297-8687
Fax Number (if you have one) _____
E-mail Address _____

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____
Inmate Number _____